

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 222

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138, IDAHO CODE, TO PROVIDE FOR A REPORT REGARDING HIGH-PERFORMING SCHOOLS AND TEACHERS; AMENDING SECTION 33-320, IDAHO CODE, TO REVISE PROVISIONS REGARDING CONTINUOUS IMPROVEMENT PLANS AND TO ESTABLISH A CERTAIN COMMISSION; AMENDING SECTION 33-1001, IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1201A, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR CERTAIN EVALUATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1212A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING COLLEGE AND CAREER ADVISING PLANS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1616, IDAHO CODE, TO REVISE PROVISIONS REGARDING LITERACY INTERVENTION PLANS; AND AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-138, Idaho Code, and to read as follows:

33-138. REPORT -- HIGH-PERFORMING SCHOOLS AND TEACHERS. In the first week of the regular legislative session in 2022, the state board of education shall present to the legislature a statewide strategy for defining and rewarding high-performing schools and teachers for growth in student achievement. The strategy should consider:

- (1) How to incentivize, encourage, and recognize schools and teachers, along with their communities, for dedicated and high-quality work; and
- (2) Ways to reduce disincentives to excel in student achievement.

SECTION 2. That Section 33-320, Idaho Code, be, and the same is hereby amended to read as follows:

33-320. CONTINUOUS IMPROVEMENT PLANS AND TRAINING. (1) Each school district and public charter school in Idaho shall develop an annual plan that is part of a continuous focus on improving the student performance of the district or public charter school. A public charter school may use its performance certificate in lieu of a separate continuous improvement plan.

- (2) (a) The board of trustees and the superintendent shall collaborate on the plan and engage students, parents, educators and the community as appropriate. The board of directors and the administrator of a public charter school shall collaborate on the plan and engage students, parents, educators and the community as appropriate. All continuous improvement plans must be approved by the local governing board.

- (b) The annual continuous improvement plan shall:

- (i) Be data driven, specifically in student outcomes, and shall include, but not be limited to, analyses of demographic data, student achievement and growth data, graduation rates, and college and career readiness;
- (ii) Set clear and measurable targets based on student outcomes;
- (iii) Include a clearly developed and articulated vision and mission;
- (iv) Include key indicators for monitoring performance;
- (v) Include student literacy proficiency goals and targets and how progress toward those outcomes will be measured;
- (vi) Include, as applicable to the grade ranges served, trajectory growth targets toward literacy proficiency;
- (vii) Include, as applicable to the grade ranges served, college and career advising and mentoring goals and how progress toward those outcomes will be measured;
- (viii) Include the individual staff performance on each of the performance criteria as defined in section 33-1001, Idaho Code, including measurable student achievement and student success indicator targets and the percentage of students meeting those targets. Data will be aggregated at the grade range, subject, or performance indicator, as determined by the advisory council and allowed pursuant to section 33-133, Idaho Code;
- (ix) Include, at a minimum, the student achievement and growth metrics for the state accountability framework. Student achievement and growth will be reported on each school and district's report card as required by the state board of education and published by the state department of education; and
- ~~(vix)~~ Include a report of progress toward the previous year's improvement goals.

(c) The annual continuous improvement plan must be reviewed and updated annually no later than October 1 each year.

(d) The board of trustees or the board of directors shall continuously monitor progress toward the goals by utilizing relevant data to measure growth. The progress shall be included in evaluations of the district superintendent or administrator of a public charter school.

(3) The plan must be made available to the public and shall be posted on the school district or charter school website.

(4) Of the moneys appropriated in the public schools educational support program, up to six thousand six hundred dollars (\$6,600) shall be distributed to each school district and public charter school to be expended for training purposes for district superintendents and boards of trustees, public charter school administrators and boards of directors. Funds shall be distributed on a reimbursement basis based on a process prescribed by the superintendent of public instruction. Qualified training shall include training for continuous improvement processes and planning, strategic planning, finance, superintendent evaluations, public charter administrator evaluations, ethics and governance.

(5) The state board of education shall be granted rulemaking authority to establish appropriate procedures, qualifications and guidelines for

1 qualified training providers and shall prepare a list of qualified training  
2 providers within the state of Idaho.

3 (6) (a) There is hereby established in the office of the state board of  
4 education a state commission for education excellence, the purpose of  
5 which will be to study and discuss continuous improvement plans estab-  
6 lished pursuant to this section and measurable student achievement and  
7 student success indicators described in section 33-1001, Idaho Code,  
8 that have been submitted to the state. The members of the commission  
9 shall include:

10 (i) One (1) representative of the state board of education, ap-  
11 pointed by such board;

12 (ii) One (1) representative of the state department of education,  
13 appointed by such department;

14 (iii) One (1) representative of the office of the governor, ap-  
15 pointed by the governor;

16 (iv) One (1) representative of business and industry, appointed  
17 by the division of career technical education;

18 (v) Two (2) members of the majority caucus and one (1) member of  
19 the minority caucus in the senate, appointed by the president pro  
20 tempore of the senate;

21 (vi) Two (2) members of the majority caucus and one (1) member of  
22 the minority caucus in the house of representatives, appointed by  
23 the speaker of the house of representatives;

24 (vii) One (1) parent of a public school student, appointed by the  
25 governor;

26 (viii) One (1) person who has been recognized as the Idaho teacher  
27 of the year, appointed by the governor;

28 (ix) One (1) representative of the Idaho school boards associa-  
29 tion, appointed by such association; and

30 (x) One (1) representative of the Idaho association of school ad-  
31 ministrators, appointed by such association.

32 (b) The commission shall be staffed by the office of the state board of  
33 education. Additional staff support from the legislative services of-  
34 fice may be provided as needed.

35 (c) It is the intent of the legislature that the state commission for  
36 education excellence analyze the measurable student achievement data  
37 and continuous improvement plans in the various districts and pub-  
38 lic charter schools in Idaho and then discuss and consider changes in  
39 statute or rule that could enhance outcomes. The commission shall de-  
40 termine some high-performing schools and districts, work to leverage  
41 their best practices to the rest of the state, and listen to ideas re-  
42 garding defining and celebrating successes in student achievement. The  
43 commission shall meet at least twice annually. One (1) meeting shall  
44 be held in the fall for the purpose of studying and discussing the con-  
45 tinuous improvement plans' performance measures and benchmarks, and  
46 one (1) meeting shall be held in the summer, after data for the prior  
47 academic year have been compiled and submitted to the commission, to  
48 review reports on statewide student success indicator achievement met-  
49 rics submitted to the commission by the state department of education  
50 and to discuss possible ways to improve desired student outcomes. All

such data and related statewide reports shall also be provided to all legislators in Idaho not serving on the commission. A school district's or public charter school's continuous improvement plan shall show how the measurable student achievement and student success indicator targets are aligned with the continuous improvement plan described in this section. The continuous improvement plan shall be submitted to the state board of education or the board's designee no later than October 1 of each year.

SECTION 3. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. As used in this chapter:

(1) "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

(2) "Administrative staff" means those who hold an administrator certificate and are employed as a superintendent, an elementary or secondary school principal, or are assigned administrative duties over and above those commonly assigned to teachers.

(3) "At-risk student" means a student in grades 6 through 12 who:

(a) Meets at least three (3) of the following criteria:

(i) Has repeated at least one (1) grade;

(ii) Has absenteeism greater than ten percent (10%) during the preceding semester;

(iii) Has an overall grade point average less than 1.5 on a 4.0 scale prior to enrolling in an alternative secondary program;

(iv) Has failed one (1) or more academic subjects in the past year;

(v) Is below proficient, based on local criteria, standardized tests, or both;

(vi) Is two (2) or more credits per year behind the rate required to graduate or for grade promotion; or

(vii) Has attended three (3) or more schools within the previous two (2) years, not including dual enrollment; or

(b) Meets any of the following criteria:

(i) Has documented substance abuse or a pattern of substance abuse;

(ii) Is pregnant or a parent;

(iii) Is an emancipated youth or unaccompanied youth;

(iv) Is a previous dropout;

(v) Has a serious personal, emotional, or medical issue or issues;

(vi) Has a court or agency referral; or

(vii) Demonstrates behavior detrimental to the student's academic progress.

(4) "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that

1 students for whom no Idaho school district is a home district shall not be  
2 considered in such computation.

3 (5) "Career ladder" means the compensation table used for determining  
4 the allocations districts receive for instructional staff and pupil service  
5 staff based on specific performance criteria and is made up of a residency  
6 compensation rung and a professional compensation rung.

7 (6) "Child with a disability" means a child evaluated as having an  
8 intellectual disability, a hearing loss including deafness, a speech or  
9 language impairment, a visual impairment including blindness, an emo-  
10 tional behavioral disorder, an orthopedic impairment, autism, a traumatic  
11 brain injury, another health impairment, a specific learning disability,  
12 deaf-blindness, or multiple disabilities, and who, by reason thereof, needs  
13 special education and related services.

14 (7) "Compensation rung" means the rung on the career ladder that corre-  
15 sponds with the compensation level performance criteria.

16 (8) "Economically disadvantaged student" means a student who:

17 (a) Is eligible for a free or reduced-price lunch under the Richard B.  
18 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding  
19 students who are ~~only~~ eligible only through a school's community eligi-  
20 bility program;

21 (b) Resides with a family receiving assistance under the program of  
22 block grants to states for temporary assistance for needy families  
23 (TANF) established under part A of title IV of the social security act,  
24 42 U.S.C. 601 et seq.;

25 (c) Is eligible to receive medical assistance under the medicaid pro-  
26 gram under title XIX of the social security act, 42 U.S.C. 1396 et seq.;  
27 or

28 (d) Is considered homeless for purposes of the federal McKinney-Vento  
29 homeless assistance act, 42 U.S.C. 11301 et seq.

30 (9) "Elementary grades" or "elementary average daily attendance" means  
31 and applies to students enrolled in grades 1 through 6, inclusive, or any  
32 combination thereof.

33 (10) "Elementary schools" are schools that serve grades 1 through 6, in-  
34 clusive, or any combination thereof.

35 (11) "Elementary/secondary schools" are schools that serve grades 1  
36 through 12, inclusive, or any combination thereof.

37 (12) "English language learner" or "ELL" means a student who does not  
38 score proficient on the English language development assessment established  
39 by rule of the state board of education.

40 (13) "Gifted and talented" shall have the same meaning as provided in  
41 section 33-2001(4), Idaho Code.

42 (14) "Homebound student" means any student who would normally and reg-  
43 ularly attend school, but is confined to home or hospital because of an ill-  
44 ness or accident for a period of ten (10) or more consecutive days.

45 (15) "Instructional staff" means those who hold an Idaho certificate  
46 issued under section 33-1201, Idaho Code, and who are either involved in the  
47 direct instruction of a student or group of students or who serve in a mentor  
48 or teacher leader position for individuals who hold an Idaho certificate  
49 issued under section 33-1201, Idaho Code.

(16) "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than a school year, or summer kindergarten program.

(17) "Local salary schedule" means a compensation table adopted by a school district or public charter school, which table is used for determining moneys to be distributed for instructional staff and pupil service staff salaries. Minimum compensation provided under a local salary schedule shall be at least equal to thirty-eight thousand five hundred dollars (\$38,500) or, for staff holding a professional endorsement, forty-two thousand five hundred dollars (\$42,500).

(18) "Measurable student achievement" means the measurement of student academic achievement or growth within a given interval of instruction for those students who have been enrolled in and attended eighty percent (80%) of the interval of instruction. Measures and targets shall be chosen at the school level in collaboration with the staff member impacted by the measures and applicable district staff and approved ~~at the district level by the school board~~. Measures and targets must also align with the performance measures and benchmarks in the continuous improvement plan described in section 33-320, Idaho Code. The most effective measures and targets are those generated as close to the actual work as possible. Targets may be based on grade- or department-level achievement or growth goals that create collaboration within groups. Individual measurable student achievement targets and the percentage of students meeting individual targets must be reported annually to the state. Assessment tools that may be used for measuring student achievement and growth include:

(a) Idaho standards achievement test (ISAT), including interim ISAT assessments;

(b) Student learning objectives;

(c) ~~Formative assessments;~~

~~(d) Teacher-constructed assessments of student growth;~~

~~(e) Pre- and post-tests, including district-adopted tests;~~

~~(f) Performance-based assessments;~~

~~(g) Idaho reading indicator, which will be one (1) of the required assessment tools for applicable staff;~~

~~(h) College entrance exams or preliminary college entrance exams such as PSAT, SAT, PACT, and ACT;~~

~~(i) District-adopted assessment;~~

~~(j) End-of-course exams;~~

~~(k) Advanced placement exams; and~~

~~(l) Career technical exams;~~

(j) Number of business or industry certificates or credentials earned by students in an approved career technical education program;

(k) Number of students completing career technical education capstone courses; and

(l) Number of students enrolled in career technical education courses that are part of a program that culminates with business or industry certificates or credentials.

(19) "Performance criteria" means the standards specified for instructional staff and pupil service staff to demonstrate teaching proficiency for a given compensation rung. Each element of the professional compensation

1 rung and advanced professional compensation rung performance criteria, as  
 2 identified in this section and as applicable to a staff member's position,  
 3 shall be documented, reported, and subject to review for determining move-  
 4 ment on the career ladder.

5 (20) (a) "Professional compensation rung performance criteria" means:

6 (i) An overall rating of proficient or higher, and no components  
 7 rated as unsatisfactory, on the state framework for teaching eval-  
 8 uation; and

9 (ii) Demonstrating the majority of students have met measurable  
 10 student achievement targets or student success indicator targets.

11 (b) "Advanced professional compensation rung performance criteria"  
 12 means:

13 (i) An overall rating of proficient or higher, no components  
 14 rated as unsatisfactory or basic, and rated as distinguished  
 15 overall in domain two -- classroom environment, or domain three  
 16 -- instruction and use of assessment, on the state framework for  
 17 teaching evaluation or equivalent for pupil service staff; and

18 (ii) Demonstrating seventy-five percent (75%) or more of their  
 19 students have met their measurable student achievement targets or  
 20 student success indicator targets.

21 (21) "Public school district" or "school district" or "district" means  
 22 any public school district organized under the laws of this state, including  
 23 specially chartered school districts.

24 (22) "Pupil service staff" means those who provide services to stu-  
 25 dents, but are not involved in direct instruction of those students, and hold  
 26 a pupil personnel services certificate.

27 (23) "School board" means a school district board of trustees or the  
 28 board of directors of a public charter school.

29 (24) "Secondary grades" or "secondary average daily attendance" means  
 30 and applies to students enrolled in grades 7 through 12, inclusive, or any  
 31 combination thereof.

32 (245) "Secondary schools" are schools that serve grades 7 through 12,  
 33 inclusive, or any combination thereof.

34 (256) "Separate elementary school" means an elementary school located  
 35 more than ten (10) miles on an all-weather road from both the nearest elemen-  
 36 tary school and elementary/secondary school serving like grades within the  
 37 same school district and from the location of the office of the superinten-  
 38 dent of schools of such district, or from the office of the chief administra-  
 39 tive officer of such district if the district employs no superintendent of  
 40 schools.

41 (267) "Separate kindergarten" means a kindergarten located more than  
 42 ten (10) miles on an all-weather road from both the nearest kindergarten  
 43 school within the same school district and from the location of the office  
 44 of the superintendent of schools of such district, or from the office of the  
 45 chief administrative officer of such district if the district employs no  
 46 superintendent of schools.

47 (278) "Separate secondary school" means any secondary school located  
 48 more than fifteen (15) miles on an all-weather road from any other secondary  
 49 school and elementary/secondary school serving like grades operated by the  
 50 district.

(289) "Special education" means specially designed instruction or speech/language therapy at no cost to the parent to meet the unique needs of a student who is a child with a disability, including instruction in the classroom, the home, hospitals, institutions, and other settings; instruction in physical education; speech therapy and language therapy; transition services; travel training; assistive technology services; and vocational education.

(2930) "Student learning plan" means a plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, career technical education, or humanities aligned with the student's post-graduation goals.

(31) "Student success indicators" means measurable indicators of student achievement or growth, other than academic, within a predefined interval of time for a specified group of students. Measures and targets shall be chosen at the district or school level in collaboration with the pupil service staff member impacted by the measures and applicable district staff. Individual measurable student achievement targets and the percentage of students meeting each target must be reported annually to the state. Student success indicators include:

(a) Quantifiable goals stated in a student's 504 plan or individualized education plan.

(b) Quantifiable goals stated in a student's behavior improvement plan.

(c) School- or district-identified measurable student objectives for a specified student group or population.

(d) The percentage of students who create student learning plans in grade 8 or who annually update their student learning plans thereafter.

(e) The percentage of students who satisfactorily complete one (1) or more advanced opportunities options as identified in section 33-4602, Idaho Code, or who earn business or industry certificates or credentials. This indicator shall be one (1) of the required indicators for applicable staff.

(302) "Support program" means the educational support program as described in section 33-1002, Idaho Code, the transportation support program described in section 33-1006, Idaho Code, and the exceptional education support program as described in section 33-1007, Idaho Code.

(313) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided to the public school districts.

(324) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt, the state board of education shall determine whether any person employed requires certification as a teacher.

SECTION 4. That Section 33-1201A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any instructional staff employee or any pupil service staff employee will receive mentoring as outlined in such employee's individualized professional learn-



ing plan during the initial three (3) years of holding such certificate. Upon holding a certificate for three (3) years, any such instructional staff or pupil service staff employee may apply for an Idaho professional endorsement. Upon holding a professional endorsement for five (5) years or more, any such instructional staff or pupil service staff employee may apply for an Idaho advanced professional endorsement.

(2) To be eligible for an Idaho professional endorsement, the instructional staff or pupil service staff employee must:

- (a) Have held a certificate for at least three (3) years, or have completed a state board of education-approved interim certificate of three (3) years or longer;
- (b) Show they met the professional compensation rung performance criteria for two (2) of the three (3) previous years or the third year;
- (c) Have a written recommendation from the employing school district; and
- (d) Have an annual individualized professional learning plan developed in conjunction with the employee's school district supervisor.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for professional endorsement are not met.

(3) To be eligible for an Idaho advanced professional endorsement, the instructional staff or pupil service staff employee must:

- (a) Have held a renewable certificate for at least eight (8) years or more, or have completed a state board of education-approved interim certificate of three (3) years or longer and held a renewable certificate for five (5) years or more;
- (b) Show they met the professional compensation rung performance criteria for four (4) of the five (5) previous years or the third, fourth, and fifth year;
- (c) During three (3) of the previous five (5) years, have served in an additional building or district leadership role in an Idaho public school, including but not limited to:
  - (i) Instructional specialist or instructional coach;
  - (ii) Mentor;
  - (iii) Curriculum or assessment committee member;
  - (iv) Team or committee leadership position;
  - (v) Data coach; or
  - (vi) Other leadership positions identified by the school district;
- (d) Have a written recommendation from the employing school district;
- (e) Have an annual individualized professional learning plan developed in conjunction with the employee's supervisor and a self-evaluation; and
- (f) (i) Effective July 1, 2020, through June 30, 2021, show they have met the advanced professional compensation rung performance

criteria for three (3) of the five (5) previous years or the fifth year;

(ii) Effective July 1, 2021, through June 30, 2022, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years or the fourth and fifth year; or

(iii) Effective July 1, 2022, show they have met the advanced professional compensation rung performance criteria for three (3) of the five (5) previous years.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for the advanced professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for the advanced professional endorsement are not met.

(4) Instructional staff and pupil service staff shall be eligible for the professional endorsement if they:

(a) Have a written recommendation from the employing school district;

(b) Have worked in a certificated position in a compact-member state pursuant to section 33-4101, Idaho Code; and

(c) Would have been eligible to work in a certificated position in an Idaho public school based on that certification for three (3) to eight (8) years.

(5) Instructional staff and pupil service staff shall be eligible for the advanced professional endorsement if they:

(a) Have a written recommendation from the employing school district;

(b) Have worked in a certificated position in a compact-member state pursuant to section 33-4101, Idaho Code; and

(c) Would have been eligible to work in a certificated position in an Idaho public school based on that certification for nine (9) years or more.

(6) Individuals holding a professional endorsement or an advanced professional endorsement will be annually evaluated in at least two (2) domains in the state evaluation framework approved by the state board of education. All other instructional or pupil service staff employees must be evaluated across all domains in the evaluation framework. Ratings in domain 2 or domain 3 are required as part of the advanced professional compensation rung performance criteria.

(7) The state board of education shall promulgate rules implementing the provisions of this section.

(78) For the purposes of this section:

(a) "Certificate" means an Idaho instructional certificate, pupil service staff certificate, or out-of-state educator certificate that meets the requirements for reciprocity under rules promulgated by the state board of education;

(b) In conjunction with the Idaho evaluation framework, "individualized professional learning plan" means an individualized professional

development plan based on the Idaho framework for teaching evaluation and includes, at a minimum, identified interventions based on the individual's strengths and areas of needed growth, how the individual will set student achievement and growth goals, and areas of identified professional development and mentoring that target continuous improvement in professional areas, future student achievement, and school building or district culture;

(c) "Instructional staff" means those involved in the direct instruction of a student or group of students and who hold a certificate issued under section 33-1201, Idaho Code;

(d) "Pupil service staff" means those who provide services to students but are not involved in direct instruction of those students and who hold a certificate issued under section 33-1201, Idaho Code; and

(e) "School district" means a school district or a public charter school.

SECTION 5. That Section 33-1212A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1212A. COLLEGE AND CAREER ADVISORS AND STUDENT MENTORS. (1) College and career advising and student mentoring ~~is an~~ are essential components of students' educational experience. Such advising and mentoring provide all students with an early opportunity to identify academic strengths, areas in need of improvement and areas of interest for the purpose of making informed choices and setting postsecondary education and career goals. The focus of college and career planning is to help students acquire the knowledge and skills necessary to achieve academic success and to be college and career ready upon high school graduation.

(2) School districts and charter schools may employ noncertificated staff to serve in the role of college and career advisors and student mentors. Appropriate alternative forms of advising and mentoring shall be research-based and may include the following:

(a) High contact programs such as:

(i) Near peer or college student mentors; and

(ii) Counselor, teacher or paraprofessional as advisor or mentor;

(b) Collaborative programs such as:

(i) Student ambassadors; and

(ii) Cooperative agreements with other school districts or postsecondary institutions; and

(c) Virtual coach or mentor programs.

(3) School districts and charter schools shall provide professional development in the area of college and career advising to all staff serving in the role of student mentors or advisors. All individuals providing services in the role of a college and career advisor must have a basic level of training or experience in the area of advising or mentoring to provide such services.

~~(4) School districts and charter schools shall develop a plan to deliver college and career advising to students in grades 8 through 12.~~

~~(5)~~ School districts and charter schools shall notify parents or guardians of all students in grades 8 through 12 of the availability of

1 college and career advising provided by the district and how to access such  
2 services.

3 ~~(6) School districts and charter schools shall report annually on the~~  
4 ~~effectiveness of their college and career advising programs as part of their~~  
5 ~~annual continuous improvement plan. Reports shall include:~~

6 ~~(a) The type of program being implemented; and~~

7 ~~(b) Student outcomes indicating the effectiveness of the program.~~

8 (75) The state board of education shall promulgate rules to specify  
9 those student outcomes that can be used to satisfy the reporting require-  
10 ment, as well as other rules necessary for the administration of this  
11 section.

12 SECTION 6. That Section 33-1616, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 33-1616. LITERACY INTERVENTION. (1) Each school district and public  
15 charter school shall establish an extended time literacy intervention pro-  
16 gram for students who score basic or below basic on the fall reading assess-  
17 ments or alternate reading assessment in kindergarten through grade 3 and  
18 ~~submit it to the state board of education.~~

19 (2) The program:

20 (a) Shall provide proven effective research-based substantial inter-  
21 vention and shall include phonemic awareness, decoding intervention,  
22 vocabulary, comprehension, and fluency as applicable to the student  
23 based on a formative assessment designed to, at a minimum, identify such  
24 weaknesses;

25 (b) May include online or digital instructional materials or programs  
26 or library resources and must include parent input and be in alignment  
27 with the Idaho comprehensive literacy plan. Online or digital materi-  
28 als that are part of a core literacy program are not required to be ap-  
29 proved as described in subsection (3) of this section;

30 (c) Shall include a minimum of sixty (60) hours of supplemental in-  
31 struction for students in kindergarten through grade 3 who score below  
32 basic on the reading screening assessment; and

33 (d) Shall include a minimum of thirty (30) hours of supplemental in-  
34 struction for students in kindergarten through grade 3 who score basic  
35 on the reading screening assessment.

36 (3) (a) The state board of education shall select and approve adaptive  
37 learning technology literacy intervention providers through a request  
38 for proposals process to provide literacy intervention tools that are  
39 adaptive to a child's personalized learning needs for school districts  
40 and public charter schools to use as part of their literacy interven-  
41 tion programs for students in kindergarten through grade 3. Such a tool  
42 shall:

43 (i) Be an academic program focused on building age-appropriate  
44 literacy skills that, at a minimum, include phonological aware-  
45 ness, phonics, fluency, comprehension, and vocabulary;

46 (ii) Use an evidence-based early intervention model; and

47 (iii) Include a parental engagement and involvement component  
48 that allows parents to participate in their student's use of the  
49 tool at school or at home.

(b) A tool offered by an approved provider must be evaluated each year to determine effectiveness by an independent external evaluator in order for the provider to remain approved. The evaluation will be based on a full academic year of implementation of tools implemented with fidelity and will include, at a minimum, growth toward proficiency measures. A provider of an intervention tool described in this subsection shall not provide the reading assessment pursuant to section 33-1615, Idaho Code.

(4) Of the funds appropriated for the purpose of this section, no more than one hundred dollars (\$100) per student may be used for transportation costs.

(5) For the purpose of program reimbursement, the state department of education shall adopt reporting forms, and establish reporting dates, and ~~adopt such additional guidelines and standards as necessary to accomplish the program goals that every child will read fluently and comprehend printed text at grade level by the end of the third grade.~~

(6) To ensure students receive high-quality literacy instruction and intervention, the state department of education shall provide professional development to districts and schools on best practices, based on the science of reading, supporting literacy instruction as outlined in the state board of education-approved "Idaho ~~C~~omprehensive ~~L~~iteracy ~~P~~lan." Intervention program participation and effectiveness by school and district shall be presented annually to the state board, the legislature, and the governor.

(7) The state board of education shall promulgate rules implementing the provisions of this section. ~~At a minimum, such rules shall include student trajectory growth to proficiency benchmarks and a timeline for reaching such benchmarks. The state board of education shall also adopt a timeline sufficient to assure that the literacy intervention tool described in subsection (3) of this section is available for school districts and public charter schools to effectively implement for the 2020-2021 school year.~~

SECTION 7. That Section 33-515, Idaho Code, be, and the same is hereby amended to read as follows:

33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection (3~~24~~) of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, and upon signing and timely returning a contract for a fourth full year, be placed on a renewable contract status with said school district entitling such individual to the right to automatic renewal of contract, subject to the provisions included in this chapter, provided that instructional staff who have not obtained a professional endorsement under section 33-1201A, Idaho Code, may not be placed on a renewable contract status, provided however, if the career ladder pursuant to section 33-1004B, Idaho Code, is not funded, then a professional endorsement shall not be required.

(2) At least once annually, the performance of each renewable contract certificated employee, school nurse, or school librarian shall be evaluated according to criteria and procedures established by the board of trustees in

1 accordance with general guidelines approved by the state board of education.  
2 Such an evaluation shall be completed no later than June 1 of each year. The  
3 evaluation shall include a minimum of two (2) documented observations, one  
4 (1) of which shall be completed prior to January 1 of each year.

5 (3) Any contract automatically renewed under the provisions of this  
6 section may be renewed for a shorter term, longer term or the same length  
7 of term as stated in the current contract and at a greater, lesser or equal  
8 salary as that stated in the current contract. Absent the board's applica-  
9 tion of a formal reduction in force, renewals of standard teacher contracts  
10 may be for a shorter term, longer term or the same length of term as stated  
11 in the current standard teacher contract and at a greater, lesser or equal  
12 salary, and shall be uniformly applied to all employees based upon the dis-  
13 trict's adopted salary schedule to the extent allowable in section 33-1004E,  
14 Idaho Code.

15 (a) Contracts issued pursuant to this section shall be issued on or be-  
16 fore the first day of July each year.

17 (b) At the discretion of the board, the district may issue letters of  
18 intent for employment for the next ensuing school year to renewable  
19 contract status employees during May of each school year. Such let-  
20 ter of intent shall not state a specific duration of the contract or  
21 salary/benefits term for the next ensuing school year.

22 (c) Unless otherwise negotiated and ratified by both parties pursuant  
23 to sections 33-1271, et seq., Idaho Code, standard teacher renewals for  
24 terms shorter in length than that stated in the current standard con-  
25 tract of renewable certificated employees, should be considered and im-  
26 plemented only after the district has determined that the salary-based  
27 apportionment reimbursement that it estimates it will receive for the  
28 ensuing school year is less than the sum the district would otherwise be  
29 paying for salaries for certificated professional employees.

30 (4) Nothing in this section shall prevent the board of trustees from of-  
31 fering a renewed contract increasing the salary of any certificated person,  
32 or from reassigning an administrative employee to a nonadministrative posi-  
33 tion with appropriate reduction of salary from the preexisting salary level.  
34 In the event the board of trustees reassigns an administrative employee to a  
35 nonadministrative position, the board shall give written notice to the em-  
36 ployee that contains a statement of the reasons for the reassignment. The  
37 employee, upon written request to the board, shall be entitled to an informal  
38 review of that decision. The process and procedure for the informal review  
39 shall be determined by the local board of trustees.

40 (5) Before a board of trustees can determine not to renew for reasons of  
41 an unsatisfactory report of the performance of any certificated person whose  
42 contract would otherwise be automatically renewed, such person shall be en-  
43 titled to a reasonable period of probation. This period of probation shall  
44 be preceded by a written notice from the board of trustees with reasons for  
45 such probationary period and with provisions for adequate supervision and  
46 evaluation of the person's performance during the probationary period. Such  
47 period of probation shall not affect the person's renewable contract status.  
48 Consideration of probationary status for certificated personnel is consid-  
49 eration of the status of an employee within the meaning of section 74-206,  
50 Idaho Code, and may be held in executive session. If the consideration re-

1 sults in probationary status, the individual on probation shall not be named  
2 in the minutes of the meeting. A record of the decision shall be placed in the  
3 teacher's personnel file.

4 (6) If the board of trustees takes action to immediately discharge  
5 or discharge upon termination of the current contract a certificated per-  
6 son whose contract would otherwise be automatically renewed, the action  
7 of the board shall be consistent with the procedures specified in section  
8 33-513(5), Idaho Code, and furthermore, the board shall notify the employee  
9 in writing whether there is just and reasonable cause not to renew the con-  
10 tract or to reduce the salary of the affected employee, and if so, what  
11 reasons it relied upon in that determination.

12 (7) If the board of trustees takes action after the declaration of a fi-  
13 nancial emergency pursuant to section 33-522, Idaho Code, and such action is  
14 directed at more than one (1) certificated employee, and if mutually agreed  
15 to by both parties, a single informal review shall be conducted. Without  
16 mutual consent of both parties, the board of trustees shall use the follow-  
17 ing procedure to conduct a single due process hearing within sixty-seven  
18 (67) days of the declaration of financial emergency pursuant to section  
19 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

20 (a) The superintendent or any other duly authorized administrative of-  
21 ficer of the school district may recommend the change in the length of  
22 the term stated in the current contract or reduce the salary of any cer-  
23 tificated employee by filing with the board of trustees written notice  
24 specifying the purported reasons for such changes.

25 (b) Upon receipt of such notice, the board of trustees, acting through  
26 its duly authorized administrative official, shall give the affected  
27 employees written notice of the reductions and the recommendation of  
28 the change in the length of the term stated in the current contract or  
29 the reduction of salary, along with written notice of a hearing be-  
30 fore the board of trustees prior to any determination by the board of  
31 trustees.

32 (c) The hearing shall be scheduled to take place not less than six (6)  
33 days nor more than fourteen (14) days after receipt of the notice by the  
34 employees. The date provided for the hearing may be changed by mutual  
35 consent.

36 (d) The hearing shall be open to the public.

37 (e) All testimony at the hearing shall be given under oath or affirma-  
38 tion. Any member of the board, or the clerk of the board of trustees, may  
39 administer oaths to witnesses or affirmations by witnesses.

40 (f) The employees may be represented by legal counsel and/or by a repre-  
41 sentative of a local or state education association.

42 (g) The chairman of the board of trustees or the designee of the chair-  
43 man shall conduct the hearing.

44 (h) The board of trustees shall cause an electronic record of the hear-  
45 ing to be made or shall employ a competent reporter to take stenographic  
46 or stenotype notes of all the testimony at the hearing. A transcript of  
47 the hearing shall be provided at cost by the board of trustees upon re-  
48 quest of the employee.

1 (i) At the hearing, the superintendent or other duly authorized admin-  
2 istrative officer shall present evidence to substantiate the reduction  
3 contained in such notice.

4 (j) The employees may produce evidence to refute the reduction. Any  
5 witness presented by the superintendent or by the employees shall be  
6 subject to cross-examination. The board of trustees may also examine  
7 witnesses and be represented by counsel.

8 (k) The affected employees may file written briefs and arguments with  
9 the board of trustees within three (3) days after the close of the hear-  
10 ing or such other time as may be agreed upon by the affected employees  
11 and the board of trustees.

12 (l) Within seven (7) days following the close of the hearing, the board  
13 of trustees shall determine and, acting through its duly authorized ad-  
14 ministrative official, shall notify the employees in writing whether  
15 the evidence presented at the hearing established the need for the ac-  
16 tion taken.

17 The due process hearing pursuant to this subsection shall not be required if  
18 the board of trustees and the local education association reach an agreement  
19 on issues agreed upon pursuant to section 33-522(3), Idaho Code.

20 (8) If the board of trustees, for reasons other than unsatisfactory  
21 service, for the ensuing contract year, determines to change the length of  
22 the term stated in the current contract, reduce the salary or not renew the  
23 contract of a certificated person whose contract would otherwise be automat-  
24 ically renewed, nothing herein shall require a probationary period.

25 (9) If the board of trustees, for reasons other than unsatisfactory  
26 service, for the ensuing contract year, determines to change the length  
27 of the term stated in the current contract or reduce the salary of a cer-  
28 tificated person whose contract would otherwise be automatically renewed,  
29 nothing herein shall require any individualized due process proceeding. In  
30 such circumstance, the board shall hold a single informal review for all im-  
31 pacted employees. The process and procedure for the single informal review  
32 shall be determined by the local board of trustees.